

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JULY 19, 2006**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-12902 - APPLICANT: ARCHITECT GERALD GARAPICH,  
AIA - OWNER: SILVER STATE BANK**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Conformance to all Minimum Requirements outlined in the “Development Uses” section Town Center Development Standards Manual for the Financial Institution, General (with a Drive-Through).
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-12901) shall be required.
3. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

## **\*\* STAFF REPORT \*\***

### **APPLICATION REQUEST**

The request is for a Special Use Permit for a proposed Financial Institution, General (with a Drive-Through) with waivers to allow a drive-through less than 330 feet from a single-family residential dwelling and an unscreened drive-through along adjacent rights-of-way. A related Site Development Plan Review (SDR-12901) will be considered concurrently with this request.

### **EXECUTIVE SUMMARY**

Typically, a Financial Institution, General (with a Drive-Through) is a Conditional Use within the UC-TC (Urban Center Mixed Use - Town Center) land use designation; however, in this instance, the proposal does not meet the required conditions, and therefore a Special Use Permit is required.

The site as proposed results in a facility that is inappropriate given the current state of development in the area. The drive-through facility does not meet the 330-foot distance separation from single family development and is not completely screened from Durango Drive. Because the proposal does not meet two of the required conditions, and does not meet the intent of the UC-TC (Urban Center Mixed Use - Town Center) land use designation, this request is not recommended.

### **BACKGROUND INFORMATION**

#### ***A) Related Actions***

- 01/17/01      The City Council approved a petition to Annex (A-0003-99) property generally located west of El Capitan Way and east of Hualapai Way between Grand Teton Drive and Rome Avenue, containing approximately 615 acres, including the subject site. The Planning Commission and staff recommended approval on 03/25/99. The effective date was 01/26/01.
- 09/18/02      The City Council approved a request for a Rezoning (Z-0064-02) from U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] and U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, to R-PD7 (Residential Planned Development - 7 Units Per Acre) on approximately 7.4 acres adjacent to the north side of Grand Teton Drive, approximately 225 feet west of Durango Drive. The Planning Commission and staff recommended approval on 08/22/02.

- 11/20/02      The City Council approved a request for a Rezoning (Z-0085-02) from U (Undeveloped) Zone [TC (Town Center) General Plan Designation] to TC (Town Center) on 5.0 acres located adjacent to the southwest corner of Elkhorn Road and El Capitan Way [Proposed Durango Drive Alignment]. The Planning Commission and staff recommended approval on 10/24/02.
- 11/20/02      The City Council approved a request for a Special Use Permit (U-0129-02) for a proposed Tavern adjacent to the southwest corner of Elkhorn Road and El Capitan Way (Durango Drive Alignment). The Planning Commission and staff recommended approval on 10/24/02.
- 03/17/04      The City Council approved a request for a Variance (VAR-3736) to allow 109 parking spaces where 138 parking spaces are the minimum required in conjunction with a proposed office/retail development on 1.75 acres adjacent to the west side of Durango Drive, approximately 350 feet south of Elkhorn Road. The Planning Commission and staff recommended approval on 02/12/04.
- 04/22/04      The Planning Commission approved a request for a Tentative Map (TMP-3657) for a one-lot commercial subdivision on 4.00 acres adjacent to the southwest corner of Elkhorn Road and Durango Drive. Staff had recommended approval.
- 09/23/04      The Planning Commission approved a request for a Site Development Plan Review (SDR-4935) for and Waivers of the Town Center Development Standards for the two-story minimum height requirement in the Urban Center Mixed-Use District and the 70 percent minimum clear glazing requirement at the ground floor level along primary pedestrian routes for a proposed 43,200 square-foot commercial development on 3.94 acres. Staff had recommended approval.
- 05/25/06      The Planning Commission abeyed this item and a related Site Development Plan Review (SDR-12901) for a proposed Financial Institution General (with a Drive Through). Staff had recommended denial.
- 06/22/06      The Planning Commission recommended approval of companion item SDR-12901 concurrently with this application.
- 06/22/06      The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #14/fs).

***B) Pre-Application Meeting***

- 04/10/06      Issues discussed included the need for waivers from Town Center standards, as well as a Special Use Permit to allow a Financial Institution, General (with Drive-through) due to several inconsistencies with required conditions of the proposed use.

***C) Neighborhood Meetings***

A neighborhood meeting is not required as part of this application request, nor was one held.

**DETAILS OF APPLICATION REQUEST**

***A) Site Area***

Net Acres: 0.63

***B) Existing Land Use***

Subject Property: Undeveloped  
North: Undeveloped  
South: Undeveloped  
East: Shopping Center  
West: Single Family Residential

***C) Planned Land Use***

Subject Property: UC-TC (Urban Center Mixed Use-Town Center)  
North: UC-TC (Urban Center Mixed Use-Town Center)  
South: UC-TC (Urban Center Mixed Use-Town Center)  
East: UC-TC (Urban Center Mixed Use-Town Center)  
West: M-TC (Medium Density Residential - Town Center)

***D) Existing Zoning***

Subject Property: T-C (Town Center)  
North: T-C (Town Center)  
South: T-C (Town Center)  
East: T-C (Town Center)  
West: T-C (Town Center)

***E) General Plan Compliance***

The subject site is located within the Centennial Hills Sector of the Master Plan with a TC (Town Center) land use destination. More specifically, the subject site is designated as UC-TC (Urban Center Mixed Use-Town Center), which is intended for multi-storied structures having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. The existing T-C (Town Center) zoning district is consistent with the Master Plan, and the proposed Financial Institution, General (with Drive-Through) is a permitted use with the approval of a Special Use Permit.

<i><b>SPECIAL DISTRICTS/ZONES</b></i>	<b>Yes</b>	<b>No</b>
<b>Special Area Plan</b>	<b>X</b>	
Town Center	<b>X</b>	
<b>Special Overlay District</b>		<b>X</b>
<b>Trails</b>		<b>X</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>
<b>Project of Regional Significance</b>		<b>X</b>

**Town Center** - Development within the UC-TC (Urban Center Mixed-Use - Town Center) land use designation is intended to be multi-storied, having ground floor offices and/or retail with similar or residential uses utilizing the upper floors. The minimum height requirement in Town Center is two stories. There are no density limitations in the UC-TC District. Local supporting land uses such as parks, other public recreational facilities, some schools, and churches are also allowed in this district. Development in this land use designation shall be consistent with Section 3.4.3, Mixed Use, of the Centennial Hills Sector Plan. Development in the UC-TC (Urban Center Mixed-Use - Town Center) District shall be by development agreement per Section 19.18.090.

## ANALYSIS

### A) *Zoning Code Compliance*

#### A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

<b>Uses</b>	<b>GFA</b>	<b>Required</b>			<b>Provided</b>	
		<b>Ratio</b>	<b>Parking</b>		<b>Parking</b>	
			<b>Regular</b>	<b>Handicap</b>	<b>Regular</b>	<b>Handicap</b>
Financial Institution (with Drive Through)	2,367 SF.	1 space/ 200 s.f. GFA + stacking for 6 per drive through lane	11	1	35	2
Total			12		37	

The proposal exceeds Title 19 parking requirements.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code or Town Center Development Standards Manual that apply to the proposed Financial Institution, General (with a Drive-Through) use. There is, however, a minimum 330-foot separation requirement between single family residential and the drive through facility of the proposed bank. The proposed drive-through facility is located approximately 192 feet from single family residential, and is therefore not in compliance with this portion of the Town Center Development Standards Manual.

***B) General Analysis and Discussion***

- Zoning

The current zoning of the property is T-C (Town Center), with a UC-TC (Urban Center Mixed Use - Town Center) land use designation within the Centennial Hills Town Center Plan area. This designation is intended for multi-storied mixed use projects.

- Use

A Financial Institution, General means any business or organization, including without limitation banks and credit unions, whose primary service is the exchange of currency. Typically, a Financial Institution, General (with a Drive-Through) is a Conditional Use within the UC-TC (Urban Center Mixed Use - Town Center) land use designation; however, in this instance, the proposal does not meet the required conditions, and therefore a Special Use Permit is required. The following conditions are not being met:

- **The drive-through facility shall be screened from the adjacent rights-of-way by the principal building or by screening materials such as decorative walls, landscaped berms, continuous vegetation, or any combination thereof. Screening materials shall have a minimum height of three feet above finished grade at the rear of the setback area.**

A portion of the proposed drive-through is not completely screened from Durango Drive, and is therefore not in compliance with the requirements of the Town Center Development Standards Manual.

- **The drive-through facility shall not be located within 330 feet of any single-family detached dwelling.**

The proposed drive-through facility is located approximately 192 feet from single family residential. The original design of the bank had dual lane ATM drive-through detached from the principal structure. The adjacent property to the west was undeveloped at the time, and therefore the location of the drive-through met the 330-foot residential distance separation requirement for a bank drive-through. Since then, the adjacent parcel has been developed with single family residential, which results in the current design not meeting Town Center residential distance separation requirements for a bank drive-through facility.

Because the proposal does not meet several of the required conditions, and does not meet the intent of the UC-TC (Urban Center Mixed Use - Town Center) land use designation, this request is not recommended.

- Conditions

1. The principal building shall be located at the front setback line in accordance with the applicable setback requirements, with the drive-through facility located to the side or the rear of the principal building.
2. The drive-through facility shall be screened from the adjacent rights-of-way by the principal building or by screening materials such as decorative walls, landscaped berms, continuous vegetation, or any combination thereof. Screening materials shall have a minimum height of three feet above finished grade at the rear of the setback area.
3. The drive-through facility shall not be located within 330 feet of any single-family detached dwelling.
4. Exterior lighting shall be shielded from adjacent properties.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Given the number of waivers requested from the required conditions, the proposed land use cannot be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”

**2. “The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site is not physically suitable for the proposed use as evidenced by the inability of the proposed drive-through facility to meet the minimum separation distance from the adjacent single family residential uses. The proposed drive-through is setback approximately 192 feet from the residential property to the west where 330 feet is the minimum required.

**3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site will receive access a shared drive from Durango Road, a Town Center Parkway (120-foot) Arterial, and site access will not negatively impact adjacent roadways or neighborhood traffic.

**4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The proposed development will be subject to inspections for Certificate of Occupancy, and therefore the development will not compromise the public health, safety or welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 13

**SENATE DISTRICT** 9

**NOTICES MAILED** 408 by City Clerk

**APPROVALS** 0

**PROTESTS** 0